

CHILD PROTECTIVE SERVICES
ACCESS
STANDARD FOR
RECEIPT AND ANALYSIS
OF REPORT INFORMATION

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ACCESS STANDARD

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CHILD PROTECTIVE SERVICES ACCESS RECEIPT AND ANALYSIS OF REPORT INFORMATION

Child Protective Services (CPS) is a specialized field of the Child Welfare System. CPS intervention is warranted whenever there is a report that a child may be unsafe, abused or neglected, or be at risk of abuse or neglect. The purpose of the CPS system is to identify and alter family conditions that make children unsafe or place them at risk for abuse or neglect.

Access is the first step in the CPS process. It is the point where a decision is made to identify or screen in families that appear to fit the definition of who the agency seeks to serve for CPS intervention and to sort or screen out families that do not appear to fit this definition. Assessment of child safety and family strengths begins at CPS Access.

This Standard outlines requirements at CPS Access for county agencies and the Bureau of Milwaukee Child Welfare (BMCW). As described in the Standard, the process of receiving reports of alleged maltreatment is a statewide function, not just a county function. In order to assure that reports are processed quickly and efficiently, all local agencies are expected to document reports received of any children reported to them, not just children residing in their own county. A number of terms in this Standard may have a meaning more specific than the generally accepted meaning and these are defined in *Access Appendix 2: Glossary*.

I. Scope and Purpose of Child Protective Services

I.A. Scope of Child Protective Services

The scope of Child Protective Services (CPS) includes access, initial assessment/investigation, and ongoing services. The scope of access includes the receipt of reports of abuse or neglect, or reports of the risk of abuse or neglect, screening such reports, and determining urgency of response.

CPS is designed to protect children and to serve families who have abused or neglected or are at risk of abusing or neglecting their children. CPS identifies conditions that make children unsafe or that put children at risk of abuse or neglect. CPS provides assessment and treatment services that make children safe and reduce risk of abuse or neglect. CPS accomplishes these ends by receiving reports of abuse or neglect from the public and from mandated reporters, conducting initial and family assessments, developing protective, safety and case plans, and providing services/case management until cases can be safely closed.

The mission of the child protective services system is primarily to protect children from abuse or neglect. This is achieved through intervention that provides for management of threats to child safety and through ongoing service provision that addresses the changes necessary to assure that children are safe and families are strengthened and able to protect the children without CPS intervention.

Throughout this document, the term “child maltreatment” refers to allegations that a child has been abused or neglected or has been threatened with abuse or neglect.

I.B. Purpose of Child Protective Services Access

CPS Access is the process for receiving, analyzing and documenting reports of alleged child maltreatment.

The functions of CPS Access are to:

1. receive and document reports of alleged maltreatment from the community;
2. identify families that the CPS system must respond to ; and
3. determine the urgency of the response time.

II. Receipt of Access Report

II.A. Access Report Defined

1. Information received by the agency is an Access report as covered by this Standard if the reporter is **either**:

- making a report in accordance with s.48.981, Stats., and suspects or states a suspicion that a child has been abused or neglected or is likely to be abused or neglected, regardless of whether the reported information constitutes child abuse or neglect as defined in the Chapter 48 of the statutes, **or**
- suspects or states a suspicion that a child needs agency intervention in order to be safe, in accordance with requirements in sections of Chapter 48 and Chapter 46. These include but are not limited to:
 - ◆ relinquished infants, [s.48.13(2m), Stats.] (See *Access Appendix 7: Reports Related to Relinquishing Custody of a Newborn Child*)
 - ◆ newborn with illegal substances in its system [s.46.238, Stats.]
 - ◆ lack of necessary care due to poverty
 - ◆ parent fails to provide necessary care for religious reasons [s.48.981(3)(c)4, Stats.]

2. An Access report may be received from any person. The reporter may identify him or herself or be anonymous. Reports may be made by phone, letter, fax, e-mail or in person.

An individual may report information to CPS Access that, due to their lack of understanding of the purpose of CPS, they believe to be abuse or neglect but that clearly contains no maltreatment, threatened harm, or child safety concerns. CPS Access must document all reports of concern for children that the reporter believes may be abuse or neglect, even though the Access worker knows or expects that the report will be screened out. The screening decision is a formal agency decision that must be completed by the agency and documented in the case record. The agency must also provide feedback to the mandated or relative reporter, pursuant to the statutes, on the screening decision, when applicable.

II.B. Availability to Receive Access Reports

1. The agency must assure that there is a mechanism to receive reports of child abuse and neglect 24 hours a day, seven days a week. The agency may fulfill this requirement through agreement with a local law enforcement agency to receive reports during times that the county agency and the BMCW are not open to conduct business.

2. If the agency uses a recorded message during business hours in the event that the agency's phone line(s) for receiving reports are all busy, the recorded message must include a statement that emergency situations must be reported to the local law enforcement agency.

The quality of decision making at CPS Access is critical, for it determines which children will receive further attention from the public agency charged with the responsibility to protect them from maltreatment. Such decisions need to be based on adequate information and made by individuals who possess knowledge and experience in CPS. As CPS Access performs a gatekeeper function for further agency involvement, this is one of the most critical decision making points in the case process.

Staff who receive calls should have training in gathering information, interviewing reporters, and determining what information is significant to the CPS Access purpose. CPS Access staff should have expertise in the dynamics of abuse and neglect since many reporters may not. It is the responsibility of the county agency staff to interview the caller in such a way that thorough, pertinent information is gathered for decision making.

II.C. Creating the Access Report

1. The Access report is created for the family of the child alleged to have been maltreated or at risk of maltreatment or in need of agency intervention, regardless as to whether the alleged maltreater is a primary caregiver, secondary caregiver or non-caregiver.
2. If a child resides in more than one household (e.g. parents are divorced), the Access report is created with the report name and address in accordance with the following (The reference person may remain the same. See *Access Appendix 15: Reference Person Decision Chart* to determine reference person.):
 - a. In Primary Caregiver cases, for the family/household where there are threats to safety and maltreatment.
 - b. In Secondary and Non-Caregiver cases, for the family/household which is the child's primary residence.
3. In primary caregiver cases, when the reported information indicates that there are safety threats or risk concerns in two households, a separate report is created for each home.
4. In circumstances where children from two or more separate families are reported as involved in an alleged maltreatment situation, a separate Access report is created for each family.
5. The Access report must be documented in eWiSACWIS within three business days.

Determining the Household(s) to Create an Access Report

Children are sometimes involved in more than one household. For example, when parents live apart, a child might spend time in the mother's home and time in the father's home.

Information collected and documented at CPS Access is based on dynamics and conditions in a specific household. For example, in a case with divorced parents or parents living apart, if a child lives with the mother and is alleged to have been abused during a weekend visit with the father and stepmother, the report is completed on the father's home since this is the home in which there are identified safety threats and risk concerns. If there are concerns about both homes, a report is completed on each home, and screening and response decisions are separate. DO NOT combine the two households to create one report. The behaviors and conditions contributing to risk, threats to safety, and parental protective capacities in separate homes will be different; therefore, the response and intervention in each home will be different. Each report that is screened in will result in a separate initial assessment for each household.

These same principles are also true in cases where reports of alleged maltreatment concern two or more children from separate households. Examples include: 1) reports where the allegations are that one child maltreated another, or 2) an adult has maltreated several children who do not reside in the same home. In cases where one child maltreats another, an Access report would be documented on the maltreating child only if there was reason to suspect that the child's behavior reflects that he or she has been the victim of another person.

II.D. Receipt and Responsibility of an Access Report for Child and Family that Reside in another County

One function of CPS Access is to receive reports from the community. At times, information may be reported to a CPS agency when a child and their family reside in another county. The timelines in the following requirements are in place to assure that the screening and urgency decisions are completed within 24 hours, as required under *Section V.A. Screening of an Access Report*.

1. The CPS agency that receives the report must gather all information as required under *Section III. Information Standards* and must complete the Access report regardless of jurisdiction.
2. If known at the time the report is made, CPS Access must inform the reporter that the information will be forwarded to the responsible CPS agency for a screening decision. The CPS phone number for the responsible agency (where the family resides) should be given to the reporter and they should be encouraged to call the other agency with any additional questions or information they may have regarding the report.
3. The same day, CPS Access must contact the appropriate agency Access staff person by **telephone** to provide notification of the pending report. Additionally, CPS Access must send the pending report in the eWiSACWIS system to the appropriate agency the same day.

Present danger threats to child safety will require a more immediate notification of a pending report.

4. In cases where there are emergent circumstances, the county where the child is at the time of the Access report will complete a screening of present danger threats to the child's safety and take emergency action if warranted.
5. The agency responsible (where the family resides) for the initial assessment will make the screening and response time decisions and will notify law enforcement and make the mandatory referrals.

II.E. Receipt of an Access Report of Maltreatment Where Child Resides in More than one County

CPS Access also receives reports when a child resides primarily or part time in one county and the alleged maltreatment occurred in another county. The following are requirements for Primary, Secondary, and Non-Caregiver Cases of alleged maltreatment: the county where the child primarily resides will provide case management and assume court jurisdiction, if warranted, of the case. Additionally, for purposes of conducting the initial assessment and documenting information in eWiSACWIS, the county of the child's residence is considered the primary agency while the county where the alleged maltreatment or threats to child safety occurred is the secondary agency. **Both agencies must collaborate to coordinate a joint investigation to gather and document the required information for the safety assessment and initial assessment.**

1. In situations where there are emergent circumstances, the county where the child is at the time of the report will complete a screening of present danger threats to the child's safety and take emergency action if warranted.
2. In circumstances when parents have shared physical placement of a child (the child resides in both homes 50% of the time), the county where the alleged maltreatment and safety concerns are is the primary agency to determine if the reported information warrants intervention, complete the urgency and response time decisions.
3. When it cannot be determined where the child's primary residence is, the county where the child attends school or day care will assume primary case responsibility. If the child is not in school or daycare, the county where the child is present at the time of the Access report will assume primary case responsibility.
4. In Secondary and Non-Caregiver cases, the county where the child resides is responsible for all initial assessment activities.

Inter-County reports of child abuse and neglect require collaboration, communication and coordination between the agencies involved as well as law enforcement and other professionals. These cases must be a priority for both child protective services agencies involved to assure that children are safe and families receive necessary services and supports. As such, neither agency is conducting “courtesy interviews” for another agency; rather the result is a joint initial assessment that meets all state statutes, standards, and policies.

This type of collaboration may result in one agency opting to complete all related case activities. This decision may be based on such things as a current or previous relationship with the child or family or that all parties live in the same city but in two counties. This decision must then be documented on a case note in eWiSACWIS by the agency that assumes full responsibility for the case.

II.F. Reports with Special Requirements

There are three types of cases that have special requirements because of their unique circumstances. As reports of these types are rare, the procedures for handling such reports are contained in the following appendices:

- Unborn child abuse (See *Access Appendix 6: Unborn Child Abuse*)
- Relinquished infants (See *Access Appendix 7: Reports Related to Relinquishing Custody of a Newborn Child*)
- Medical neglect of a disabled infant (See *Access Appendix 8: Reports of Possible Medical Neglect of a Disabled Infant*)

The appendices include additional information which must be gathered, screening criteria and urgency criteria for each type of report, as well as additional actions which might be required.

III. Information Standards

Information standards are the categories of information collected in order to support decision-making at the point of CPS Access. Information collected by CPS Access staff also forms the basis for determining how the assessment is conducted, which CPS Initial Assessment Standard will be used, and who the first contact on a case will be.

III.A. Information that Must be Gathered and Documented in All Cases

The following must be gathered from the reporter, if available, in all cases as referenced in *Section II.A Access Report Defined*:

1. Alleged maltreatment: current and past; the surrounding circumstances; and the frequency;
or
Intervention or services needed for the child.
2. The child's injury or conditions as a result of the alleged maltreatment/services needed.
3. Description of the child(ren)'s current location, functioning, including special needs, if any, and highlighting current vulnerability.
4. Description of any present danger threats (*Access Appendix 3: Definitions and Examples of Present Threats to Child Safety*), including a description of possible/likely emergency (exigent) circumstances.
5. Name, age, gender, race and ethnicity for all members of the household and their relationship to each other, the family's address and phone number, adult's place of employment and children's school, when applicable.
6. The presence of domestic violence (see *Access Appendix 11: Domestic Violence*), if applicable, including the demonstration of power and control and entitlement within the home environment.
7. How the family may respond to intervention by the agency, including the parental protective capacities.
8. Reporter's name, relationship to the family, motivation and source of information, if possible.
9. Names and contact information of other people with information regarding the child or family.
10. Information that the child may have American Indian heritage. Unless the agency already has information in its records to verify that the child is or is not an Indian child, the agency shall ask the reporter if he or she has any reason to believe that the child might have American Indian heritage and, if so, what tribe or tribes the child might be affiliated with.

Consideration must be given to child functioning with regard to cognition, physical capacity and emotional status as it relates to the child's level of vulnerability. Vulnerability should be considered based not just on age, size, cognitive development and physical needs, but also dependency, inability to protect self, emotional development and needs and current emotional state.

Emergency Doctrine

It is critical for the access worker to obtain as much information as possible to make judgments about the presence of present danger threats and likely emergency conditions in order to determine a response time sufficient for the child's safety needs. This information can assist the agency in determining not only its responsibilities, but also whether the options for emergency response under the statutes apply and are available to the agency.

Exigent circumstances are when a child is in imminent danger of physical harm and the CPS worker must act immediately to prevent harm. These emergency situations are defined as "instances in which the child is immediately threatened with harm, where there exists an immediate threat to the safety of the child, or where the child is left bereft of care and supervision, or where there is evidence of serious ongoing abuse and the officials have reason to fear imminent recurrence." [October 2003, "Constitutional Restrictions, Case Law, and State Legislative Provisions, on Investigative Actions by Child Protective Services", Howard Davidson and Jeannine Henderson, American Bar Association Center on Children and the Law.]

While an emergency does not have to equate to a life or death situation, the CPS worker must have reasonable cause to believe that if she or he does not act the child will be put in, or remain at, imminent risk of serious physical harm. These are situations that constitute present danger threats to a child's safety. This means that there is an immediate, significant, and clearly observable threat to a child occurring in the present that requires an immediate CPS response. Law enforcement, school or medical personnel, or others are often in a position to observe present danger threats prior to the response by CPS. [Refer to *Access Appendix 3: Definitions and Examples of Present Danger Threats to Child Safety*].

III.B. Additional Information to Gather and Document in Primary Caregiver Cases

The following information must be gathered from the reporter, if available, in cases of alleged maltreatment by primary caregivers, in addition to the information in *Section III.A. Information that Must be Gathered and Documented in All Cases*:

1. The parents or adults in the parent role: current location, functioning, and parenting practices and views of the child.
2. Family functioning, strengths, and current stresses.
3. Possible/likely impending threats to child safety (See *Access Appendix 4: Definitions and Examples of Impending Threats to Child Safety*).
4. Name of alleged maltreater and relationship to child.

5. Whereabouts of the alleged maltreater at the time of the report and access to the child at the time of the report and within the next five days.

In Primary Caregiver cases, attempts at information collection should be broad enough to consider impending danger threats to a child's safety (See *Access Appendix 4: Definitions and Examples of Impending Threats to Child Safety*). Interviewing the reporter to seek this information supports decisions regarding how quickly to respond to a report of child abuse or neglect when a child may be unsafe. This requires the Access worker to also gather information, if known to the reporter, about the parent's demonstrated protective capacities. (See *Access Appendix 5: Protective Capacity Reference*).

The Co-Occurrence of Domestic Violence and Child Maltreatment

Research indicates that in 30 to 60 percent of cases where child maltreatment is occurring, domestic violence is also present. Because of the high correlation between the two forms of violence, it is important at the point of Access to begin to identify the presence of domestic violence in a home. Knowledge about the presence of domestic violence serves several purposes for CPS. The information assists the agency in understanding safety threats and risk to the child(ren), provides critical information relevant to relationship building with the caregiver/non offending parent in cases where domestic violence is present, determines how CPS should proceed, and provides information pertinent to assessing the protective capacities of the caregivers.

III.C. Additional Information to Gather and Document in Secondary Caregiver Cases

The following information, if available, must be gathered from the reporter in cases of alleged maltreatment by secondary caregivers, in addition to the information under *Section III.A.*

Information that Must be Gathered and Documented in All Cases:

1. Name of the alleged maltreater, if a specific person(s) is suspected, his or her relationship to the child and access to the child at the time of the report and within the next five days.
2. Parental involvement and contribution to the alleged maltreatment, if any.
3. Parental knowledge of the incident.
4. Parental action in response to the incident.
5. Any action the school/day care/residential care/other organization has taken in response to the incident, if the alleged maltreater is an employee or part of the organization providing care.

III.D. Additional Information to Gather and Document in Non Caregiver Cases

The following information, if available, must be gathered from the reporter in cases of alleged maltreatment by non-caregivers, in addition to the information under *Section III.A. Information that Must be Gathered and Documented in All Cases*:

1. Except in reports of mutual sexual activity, the name of the alleged maltreater, if a specific person(s) is suspected, his or her relationship to the child and access to the child at the time of the report and within the next five days.
2. Parental involvement and contribution to the alleged maltreatment, if any.
3. Parental knowledge of the incident.
4. Parental action in response to the incident.

Determining if the Parent May Have Contributed to Maltreatment by a Secondary or Non-Caregiver

This decision must be made at the point of the receipt of a report since it dictates which category in the CPS Initial Assessment Standards must be followed. If there is information that creates a reasonable belief that a parent contributed to the abuse or neglect by a secondary caregiver or non-caregiver, the primary CPS concern is the possibility of ongoing risk to the child and threats to safety in the parental home. Therefore, the Standard for Maltreatment by Parents must be followed. If there is not information that creates a reasonable belief that a parent contributed to the maltreatment, then the appropriate Standard for secondary caregivers or non-caregivers must be followed.

An assumption cannot be made that the parent(s) might have contributed to the alleged maltreatment. In order for a report of alleged maltreatment by a secondary caregiver or non-caregiver to be handled according to the Maltreatment by Parent Standard, there must be reasonable and credible information at the time the report is received by the agency that the parent contributed to the maltreatment.

When making a decision related to a parent's contribution to maltreatment in secondary and non-caregiver cases, it is important for CPS Access to gather information, if available, related to a parent's protective capacities. (See *Access Appendix 5: Protective Capacity Reference*) Diminished protective capacity may be demonstrated by a parent's inability to identify threats to a child's safety or inability or unwillingness to provide protection.

Examples to consider when making a decision related to a caregiver's diminished protective capacities include:

- The parent has not demonstrated an ability to protect the child in the past while under similar circumstances.
- The parent is aware of the maltreatment and cannot specifically articulate a plan to protect their child or sees no need to develop a plan.
- The parent does not believe their child's report of maltreatment and is not supportive of their child.
- The parent has significant individual needs (e.g. severe depression, medical needs) that the reporter alleges affects their capacity to protect their child.
- The parent is unable or unwilling to set aside his or her own needs to provide protection for the child.

III.E. Records Search

1. CPS Access must review a family's relevant CPS and Child Welfare records as well as CPS records of any person named by the reporter as a suspected maltreater. Agencies must assure that relevant past agency records are readily available to assist in determining screening and urgency of response.
2. Relevant information from the record search (e.g. type of maltreatment, screening decision, results of any previous initial assessments, etc.) must be documented in the report to assist with the screening and response time decisions.

Family and individual history impacts how CPS responds to reports of child maltreatment. This information (prior allegations, prior Initial Assessments, threats to child safety, responsiveness of the parents, etc.) will assist in analyzing the reported information to determine how quickly CPS must respond. At CPS Access, the purpose of reviewing case history is to understand conditions within the family and to determine if a pattern of behaviors can be identified regarding safety or risk concerns. A history of reports should prompt CPS Access to look at the bigger picture related to changing or escalating family conditions instead of assessing each individual report on its face value. Escalating family conditions, even in cases where no specific type of abuse or neglect has been reported, may be indicative of threats to child safety.

If the information received suggests that there was a previous report in another county, CPS Access may need to contact that agency to request any additional records not in eWiSACWIS (e.g. court documents, paper records, information maintained in another computer system). DCFS Memo Series 2003-13B must be adhered to when accessing CPS information created by another county.

IV. Decisions at CPS Access

IV.A. Decisions Required

The responsibility for making decisions at CPS Access is that of the agency which has the primary case responsibility as described in *Sections II.D. Receipt and Responsibility of an Access Report for Child and Family that Reside in another County* and *II. E. Receipt of an Access Report of Maltreatment Where Child Resides in More than One County*. **It is the agency, not the reporter, that determines appropriate agency response.**

The following decisions and supporting rationale must be documented in the family case record:

1. Is this a child protective services report?
2. How urgent is the report? When must a screening for safety assessment be completed?
3. Is the allegation one of maltreatment by a primary caregiver (e.g. parent, foster parent, guardian, legal custodian, person who has resided in the child's dwelling or close relative), secondary caregiver (e.g. contracted caregiver or distant relative), or non-caregiver?
4. If maltreatment by a secondary caregiver or non-caregiver is alleged, is there information to support that a parent contributed to the maltreatment or is knowingly continuing to allow access to the child by the alleged maltreater?
5. Does the report need to be referred to a law enforcement agency in accordance with s. 48.981(3)(a)3., Stats. or the CPS/law enforcement MOU? [Note: reports of alleged sexual abuse or threatened sexual abuse must be referred to the law enforcement agency within 12 hours of receipt.]
6. Is there information to indicate that the child may have American Indian heritage?

V. The Screening Decision

V.A. Screening of an Access Report

The **initiation of a diligent investigation** is defined as gathering and documenting all relevant information, making the screening decision, and, on screened in reports, making the urgency decision. Screening and urgency decisions must be completed within a timeframe that assures

that the immediate needs, if present, of any child in the report are addressed, and must be completed in all cases within 24 hours of receipt of the report.

1. Upon receipt of a report, the agency shall immediately analyze the information to screen for present danger threats, as defined in *Access Appendix 3: Definitions and Examples of Present Threats to Child Safety*, and other emergency conditions. If present danger threats or other emergency conditions are identified, the agency must take whatever action is necessary to initiate a response in accordance with the child's needs and *Section VI.C. Timeframe for Response of this Standard*.
2. The screening decision is the formal decision to accept or not accept a report of alleged child maltreatment or other report in *Section II.A.1.* for further assessment/investigation. (Refer to *Access Appendix 9: eWiSACWIS Screening Options* for specific screening decision options.) The screening decision must be documented in the family case record.
3. Supervisory approval (or her/his designee) is required on all screening decisions.

Initiation of a Diligent Investigation

State statutes state that “Within 24 hours after receiving a report..., the agency shall ... initiate a diligent investigation to determine if the child or unborn child is in need of protection or services.” [Ref. sec. 48.981(3)(c)1., Stats.] Federal regulations require that agencies have “procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports;” [Ref. 42. U.S.C. 5106a].

Some reports are urgent and require an emergency response. A 24-hour postponement of the screening and urgency decisions would result in an inadequate response to the child's immediate needs. Agencies need to have the capacity to immediately identify and respond to reports that require an emergent response.

V.B. Criteria for Screening in an Access Report

- Child is 17 years old or younger, or in reports of sexual abuse under s.948.02, Stats., the child is 15 years old or younger, and
- There is information to identify and locate the child or family, and
- Allegations describe conditions or behaviors or actions that create a reason to believe that abuse or neglect as defined in the statutes has occurred (See *Access Appendix 1: Statutory Definitions of Child Abuse and Neglect*), or
- Allegations describe behaviors or conditions that are likely to result in abuse or neglect, as defined in the statutes, by another person in the immediate future, i.e., that the child is unsafe (See *Access Appendix 1: Statutory Definitions of Child Abuse and Neglect, Access*

Appendix 3: Definitions and Examples of Present Threats to Child Safety and Access Appendix 4: Definitions and Examples of Impending Threats to Child Safety), or

- Allegations describe behavior or an action that a reasonable person would conclude may have resulted in abuse or neglect of a child, or
- Allegations describe injuries to or a condition of the child that a reasonable person would construe to be a result of abuse or neglect, and

V.C. Criteria for Screening out an Access Report

The intent of the Wisconsin Legislature in developing the Children's Code (Chapter 48) was to assure that CPS agencies that receive reports of alleged abuse or neglect or threatened abuse or neglect conduct diligent investigations to determine if children are in need of protection or services. A decision to screen out an Access report must include justification and documentation of why reported information does not warrant a CPS response.

- Alleged victim is 18 years of age or older, or 16 years of age or older in reports of sexual abuse under s.948.02, Stats., or
- There is insufficient information to identify and locate the child or family, or
- Allegations, even if true, would not meet the statutory definitions of abuse or neglect and do not describe behavior or conditions that constitute a threat of abuse or neglect in the future, or
- Allegations describe behavior or actions that, even if true, would not reasonably result in abuse or neglect of a child.

Reports of sexual contact, as defined in *Access Appendix 1: Statutory Definitions of Abuse and Neglect*, between a child and a peer are screened out under the following circumstances:

- There is no allegation of assault, coercion or exploitation or other condition consistent with s.940.225, Stats., and
- The minor's sexual activity with a peer is developmentally normal and does not create a reasonable belief that he or she is exhibiting behaviors as a result of being sexually abused by another person.

A report may not be screened out solely because it is anonymous or because maltreatment information is not current.

Reports of alleged maltreatment in a facility licensed under Ch. 48 that are screened out for not meeting the definitions of child abuse or neglect under Ch. 48, Stats., or threatened child maltreatment **must** be referred to the licensing or regulatory agency for their follow-up.

For screening purposes, the information in the report must be assessed under the totality of circumstances, including the information from any previous CPS reports. Therefore, a reporter cannot be expected to provide sufficient information to support a decision that abuse or neglect

has occurred or is likely to occur. The purpose of the initial assessment is to gather additional information and make a final determination as to whether the child is safe or unsafe and whether the child is in need of protection or services related to maltreatment.

The agency must accept for assessment any report which suggests that, assuming the reporter's perceptions are true, an individual between birth and 18 years of age may have been subjected to treatment which meets a definition of abuse in s.48.02 or the definition of neglect in s.48.981, Wis. Stats or has been subjected to treatment that threatens the child with abuse or neglect. The "reasonable person" standard applies here. A reporter need not have witnessed specific injuries on a child for there to be a reason to believe that physical abuse has occurred or is likely to occur. The reporter may be able to describe behavior towards the child that a reasonable person could conclude would result in injuries as described in s.48.02 or would likely escalate to result in such injuries.

Conversely, reports that do not constitute a reasonable belief of maltreatment but describe some behavior that the reporter or the agency believes is inappropriate, may not be screened in for initial assessment, regardless of whether the agency has extra time or staff to respond to such concerns. The authority to conduct initial assessments extends to those cases when the reported information potentially meets the definitions of child maltreatment. There are constitutional protections against unjustified intervention in family life.

Application of Statutory Definitions and Safety Threats for Screening

The screening decision is dependent to a large extent on the statutory definitions of abuse and neglect as well as an analysis of the reported conditions to determine whether the child is threatened with likely abuse or neglect, as defined in the statutes. For this reason, the appropriate appendices are provided as guides in making the screening decision. *Access Appendix 1: Statutory Definitions of Child Abuse and Neglect* provides the statutory definitions of abuse and neglect; guidelines for interpreting the statutory language; and guidelines for determining if information supports a suspicion that a child has been threatened with abuse or neglect and that abuse or neglect will occur. *Access Appendix 3: Definitions and Examples of Present Threats to Child Safety* and *Access Appendix 4: Definitions and Examples of Impending Threats to Child Safety* describe the present and impending danger threats to child safety, which are also used to help determine if abuse or neglect of a child is likely to occur.

The impending threats to child safety should not be applied as a formula during the screening process. Rather, they should be used as guidelines to help interpret all the information gathered. Does the information gathered, when analyzed as a whole, support a belief that the child is unsafe (e.g., in imminent danger of serious harm)?

Controlled Substances in an Infant's System

Included in the CPS Investigation Standards is policy related to assessing the safety of drug-affected infants. In Wisconsin, statutes direct that these reports be made pursuant to Chapter 46 rather than Chapter 48. In addition, the reauthorization of the Child Abuse Prevention and Treatment Act requires the following: “policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification *shall not be construed to— (I) establish a definition under Federal law of what constitutes child abuse; or (II) require prosecution for any illegal action (section 106(b)(2)(A)(ii).*”

Therefore, the existence of controlled substances or controlled substance analogs in an infant's system does not by itself constitute maltreatment. Information to consider in making a decision of whether to respond to the reported information as a CPS concern include family history and criteria related to child safety (e.g. severity, out-of-control family conditions). In cases where there is a CPS concern, the information should be documented as a primary caregiver case.

VI. The Urgency Decision

VI.A. Making the Urgency Decision

1. The urgency decision is the formal decision as to how urgent the report is and how quickly the agency must respond in order to complete a screening of safety threats. It must be made within 24 hours of receipt in each report as defined in *Section II.A Access Report Defined* and documented in the family case record.
2. Supervisory approval (or her/his designee) is required on all urgency decisions.
3. Any exception to these requirements must have supervisory approval (or her/his designee) and be documented in the family case record.

VI.B. Criteria for the Urgency Decision

1. In primary caregiver cases (alleged maltreatment by primary caregivers or where the

primary caregiver may have contributed to the alleged maltreatment), at a minimum, the following must be considered:

- The present danger threats to child safety (See *Access Appendix 3: Definitions and Examples of Present Threat to Child Safety*),
- The impending danger threats, to the extent that they may be known (See *Access Appendix 4: Definitions and Examples of Impending Threats to Child Safety*), and,
- Behaviors and conditions that contribute to the risk of maltreatment.

2. In secondary caregiver cases, at a minimum, the following must be considered:

- The present danger threats, which include access to the child by the alleged maltreater (See *Access Appendix 3: Definitions and Examples of Present Threats to Child Safety*),
- Actions taken by the facility in response to the incident, and
- Parents' demonstrated ability and commitment to provide protection.

3. In non-caregiver cases, at a minimum, the following must be considered:

- The present danger threats, which include access to the child by the alleged maltreater (See *Access Appendix 3: Definitions and Examples of Present Threats to Child Safety*), and
- Parents' demonstrated ability and commitment to provide protection.

The specific case dynamics and social work judgement are critical in analyzing reported information and in determining the response time. CPS Access may also utilize law enforcement, probation and parole, etc. records as well as C-CAP to assist in determining response time. The response time is when face-to-face contact with the identified child victim and/or parent(s) must occur to complete a preliminary assessment of threats to child safety (See *Access Appendix 4: Definitions and Examples of Impending Threats to Child Safety*).

Children are considered safe when there are no present or impending danger threats or the caregiver's protective capacities control existing threats. Conversely, children are unsafe when they are vulnerable to present or impending danger threats and their caregiver(s) are unable or unwilling to provide protection or manage the threats, therefore requiring outside intervention.

Threats to Child Safety in Primary Caregiver Cases

In primary caregiver reports, *present danger threats* to safety arise from a specific family situation or the behavior, emotion, motive, perception, or capacity of a family member that is out-of-control, imminent, likely to have severe effects on a vulnerable child and occurring in the present. Present danger threats to a child's safety are very specific and easy to detect. Present danger is totally transparent and is an observable, immediate, significant threat to a child occurring in the present. It requires an immediate CPS response.

Impending danger threats to a child are behaviors, conditions, perceptions, emotions or capacities of family members that are out of control, likely to have severe effects on a vulnerable child, and likely to occur in the near future. They are not as transparent or obvious as present danger threats and may require a fuller understanding of family conditions and functioning before they can be identified.

Risk of Maltreatment

Risk of maltreatment is the likelihood for child abuse or neglect to occur or reoccur some time in the future.

Threats to Child Safety in Secondary and Non-Caregiver Cases

In secondary and non-caregiver cases of alleged abuse or neglect, consideration is given to *present danger threats* and the immediate needs of the child. These are situations where the alleged maltreater has access to the child, and his or her behavior is out-of-control and observable, or there is a sense of certainty (imminence) that an event will occur within the immediate to near future that could have severe effects for the child. Examples include:

- An elementary school principal displays out-of-control behavior by hitting a child/children and has continued access to the child/children.
- A neighbor has harmed a child and has access or will have access within a very short time by virtue of living in the neighborhood.

VI.C. Timeframe for Response

The timeframe for response to a report is when a CPS worker will have initial, face-to-face contact with the alleged child victim and/or parent(s) and complete a screening of threats to a child's safety. No case may exceed the requirement of face-to-face contact within five working days from receipt of the report. For alleged cases of maltreatment in a foster home, no case may exceed the requirement of face-to-face contact within three working days of receipt of report.

The criteria for determining response time are the following:

1. Present danger threats to child safety (See *Access Appendix 3: Definitions and Examples of Present Threats to Child Safety*)

Immediate to within the same day response time.

2. Impending danger threats to child safety (See *Access Appendix 4: Definitions and Examples of Impending Threats to Child Safety*)

Response within 24 or 48 hours of receipt of report, including holidays and weekends. When an Access report has been assigned a 24 hour response time and the day the report is received falls on a Friday or the day before a holiday, contact with the child and parent(s) and the

requirement to conduct a screening of safety threats may not be deferred until the next working day.

3. Risk of Maltreatment

Response within five working days of receipt of report.

“Immediate” refers to making face-to-face contact with a child and/or parent(s) the same day the agency receives the report. It means that there is a present danger threat to a child's safety, a screening decision must be made, and immediate action may need to be taken to protect the child. When a report of child abuse or neglect includes present danger threats, it is not unusual to include law enforcement in the response as outlined in the agency's MOU with law enforcement. In exigent circumstances, the appropriate law enforcement agency may be in a better position to first respond to an urgent report. CPS still must meet their required response time based on the assessment of threats to child safety.

“Within 24 hours” refers to completing face-to-face contact with the child and/or parent(s) prior to the end of the day following the receipt of the report. A case is assigned a 24-hour response time due to concerns of impending danger threats to child safety that must be assessed.

VI.D. Exceptions to Response Time Requirements

1. When a child is reported as being in a safe place (e.g. school, hospital), the judgement about the timing of the response must take into account the location of the safe place, how long the child will be there, access that others have to the child's location, and a plan to keep the child safe until CPS can respond.

2. In Secondary and Non-Caregiver cases, if the reported information identifies present danger threats to child safety but the information suggests that the alleged maltreater has intermittent access to a child, contact with the parent/caregiver must be made the same day to assure that there is an adequate plan for protection. This contact may be a telephone call to the parent/caregiver.
3. Consultation must occur with the supervisor, and the information and the rationale for the delay in the response time must be documented in the report.

VII. Reports on Open Cases and Multiple Reports

VII. Repeated or Multiple Reports on Open Cases

An agency may receive repeated or multiple reports on the same family, generally alleging the same concerns or escalating concerns.

1. When a new Access report is received by the agency on a case currently open, the information documented and the screening decision must be in accordance with *Section II.A. Access Report Defined* of this Standard. The urgency decision and timeframe for response to a new report that is screened in must be in accordance with *Section VI. The Urgency Decision* of this Standard.
2. When an Access report has not yet been screened and another report comes into the agency, this information may be added to the current Access report. The urgency decision and timeframe for response must reflect consideration of all safety threats based on the totality of the information contained in the combined report.
3. Reports that are screened in as a new Access report must be linked to the existing eWiSACWIS case if there is an open Initial Assessment.
4. If an assessment worker identifies an additional form of maltreatment during the course of an initial assessment, or an additional or different maltreater, this information is documented in the initial assessment and does not constitute a new report of alleged maltreatment.
5. When CPS Access receives information from another reporter that is the same as the current Access report (e.g. physical abuse, even though the second reporter may add more detail) the information must be screened-out and documented in eWiSACWIS as “multiple report on the same incident.” If the family is receiving ongoing services, the information must be forwarded to the caseworker for case planning purposes.

The response to new Access reports on open cases may be made by the Ongoing Services Worker (or in her/his absence another Ongoing Services Worker), may be referred to Initial

Assessment for the response, or may be teamed and responded to by an Ongoing Services Worker and an Initial Assessment worker.

VIII. After-hours Reports

VIII. After Hours Procedures

1. Information must be gathered in accordance with *Section III. Information Standards* of this Standard.
2. The urgency decision and timeframe for response to an after-hours report must be in accordance with *Section VI. The Urgency Decision* of this Standard.
3. In all cases where present danger threats to child safety are identified, consultation must occur with the after-hours supervisor or her/his designee.
4. In cases where impending danger threats to child safety are identified, consultation may occur with the CPS supervisor (or her/his designee) the next working day.
5. After-hours reports and decisions must be documented in the family case record.
6. All exceptions to these requirements must be made in consultation with the after-hours supervisor or his or her designee and documented in the family case record.

For child protective service agencies where supervisors are not available for consultation after-hours and cases have identified present danger threats, other agency staff trained in CPS procedures and requirements may be designated to provide consultation to after-hours staff. In addition to the required training (safety and juvenile court intake), CPS Supervisors may want to consider utilizing a mentoring or training process to support new staff or other agency staff assigned to provide CPS after-hours coverage, but do not perform these duties as a part of their regular agency duties (e.g. long-term support staff, juvenile justice staff).

IX. Independent Investigation

IX. Reports on Cases Requiring an Independent Investigation

In cases that require an independent investigation, the screening decision and urgency decision must be determined by an agency (the Independent Consultation) other than the agency requesting the independent investigation.

An independent investigation is appropriate when CPS Access receives a report of alleged maltreatment or threatened harm where an agent or employee of the county department is the subject of the report or if the agency determines that, because of the relationship between the agency and the subject of the report, there is a substantial probability that the agency would not conduct an unbiased investigation [refer to s.48.981(d)(2), Stats.].

County agencies must identify an adjacent county or counties with which they have reciprocal agreements for completing independent investigations. The reciprocal agreements shall be in accordance with this Standard.

Additionally, under s. 46.22, Stats., the BMCW may conduct independent investigations in cases, and a child welfare agency under contract with or under the supervision of the BMCW or a county department under s.46.22 may conduct independent investigations in cases where there is alleged maltreatment in a foster home. The BMCW Access supervisor will make the screening decision. When the report of maltreatment is screened out, the Access supervisor will discuss the screen-out decision with the designated Program Evaluation Manager (PEM) within four hours of the screening decision. The PEM will review the screening decision and either approve or not approve the decision.

1. When a county agency determines that an Independent Consultation is warranted due to substantial probability of bias, the agency must review the report with a county with whom they share a reciprocal agreement. The Requesting CPS agency must consult with another county supervisor (or designee) to make the screening and response time decision. In cases of maltreatment alleged within a foster home, the response time cannot exceed 3 days.
2. After consultation, the Consulting CPS agency will document the screening and response time decisions as well as the content of the consultation in the report.
3. The screening and urgency decision made by the Consulting Supervisor must be adhered to by the agency conducting the assessment. If there is a difference of opinion, the Requesting CPS agency can consult with the Regional Office but must in the meantime adhere to the Consulting agency decisions.
4. If the Access report is screened out on a facility licensed under Ch 48, the report information must be referred to the appropriate licensing and regulation agency for consideration of possible licensing violation.
5. If the Access report is screened in, the Requesting CPS agency is responsible for conducting the screening of threats to safety, taking immediate action to assure child safety if warranted, and providing this information to the Investigating agency within 24 hours. (Note: The Consulting agency for the Access report might not be the same agency

as the Investigating agency as there are times another agency can consult but not conduct the assessment.)

Substantial Probability of Bias

When the occupation of the alleged maltreater is such that it necessitates an ongoing, working relationship with the CPS agency, an independent investigation is appropriate. Allegations of abuse by a sheriff's department's detective, for example, may warrant an independent investigation in some counties due to the nature of that individual's working relationship with CPS staff.

Substantial probability of bias may also be introduced if the subject of the Access report is an immediate family member of an employee or volunteer of the county agency. In instances when the child of an employee or volunteer of the agency is alleged to have been maltreated by someone outside of the family, the need to assess parental contribution to the incident and parental ability to provide protection may introduce substantial probability of bias.

The presence of widespread publicity surrounding a case does not, in itself, justify an independent investigation. There must be additional information to suggest that the relationship between the subject and the CPS agency is such that substantial probability of bias is introduced. An independent investigation is not appropriate simply because the alleged maltreater and/or the alleged victim are well known in the community. An Access report where an official whose office entails a relationship with the county agency (for example, the chair of the social services committee) should be referred outside the county. The mere fact that the alleged maltreater is a public official, however, would not necessarily justify an independent investigation.

Alleged Maltreatment in a Foster Home

Screening decisions of reports of alleged maltreatment by foster parents or individuals who share a foster home are often complex. Foster children are in their current placement as a result of the action of the CPS agency. This heightens the responsibility of the CPS system to assure the quality of care children in foster care receive is appropriate and that they are safe.

Foster parents are at higher risk for being reported for maltreating a child and many concerns that come to the attention of CPS agencies, though intended by the reporter as reports of child abuse or neglect, are more appropriately characterized as possible licensing rule violations. Thus the screening decision for these reports may include 1) screen out - no alleged maltreatment (See *Section IX. Reports on Cases Requiring an Independent Investigation*), or 2) screen out - no alleged maltreatment, potential rule violation, or 3) screen in - independent investigation.

X. Notifications

X.A. Required Notifications for Applicable Cases

1. The CPS Agency must notify the following agencies that a report has been received and document the notification in the record:
 - Law Enforcement (Refer to the 2004 "Standard for Collaboration with Law Enforcement" for guidance and the local Memorandum of Understanding.)
 - Licensing and Regulation Staff (licensed day care, group home, RCC) Bureau of Regulation and Licensing, if maltreatment in a facility licensed under Ch. 48 is reported.
 - Other CPS Agency (Inter-county issues)
 - Placing county, if alleged child victim in a facility was placed by another county
 - DCFS when a child is involved in a child abuse or neglect incident where that child dies or is seriously injured or the nature of the abuse or neglect is egregious. (Refer to the DCFS Memo Series 2004-04).
 - In reports of medical neglect of a disabled infant, the county where the infant resides or the county where the infant is hospitalized, if not the same county that received the report.
2. In addition, each county listed in *Access Appendix 14: Counties Required to Notify a Tribe of Reports Received* must fulfill the following notification requirements, in accordance with s.48.981(3)(bm), Stats.:

When a report is received pertaining to a child or unborn child which the agency knows to be an Indian child or Indian unborn child and the child or expectant mother resides in the county, "the county department shall provide notice, which shall consist only of the name and address of the child or expectant mother and the fact that a report has been received about that child or unborn child, within 24 hours, to one of the following:

- a. If the county department knows with which tribe or band the child is affiliated, or with which tribe or band the unborn child, when born, may be eligible for affiliation, and it is a Wisconsin tribe or band, to the tribal agent of that tribe or band.
 - b. If the county department does not know with which tribe or band the child is affiliated, or with which tribe or band the unborn child, when born, may be eligible for affiliation, or the child or expectant mother is not affiliated with a Wisconsin tribe or band, the tribal agent serving the reservation or Ho-chunk service area where the child or expectant mother resides.
 - c. If neither [of the above] applies, any tribal agent serving a reservation or Ho-Chunk service area in the county." [Ref. S.48.981(3)(bm), Stats.]
- The notice must describe whether the county department has reason to believe that the child is affiliated with the tribe to whom the notice is sent or whether the county

department is providing notice only because the child lives in the area of county but is likely affiliated with another tribe.

- In order to meet the 24 hour deadline, notice must be given by fax, phone or e-mail.
- Pursuant to s.48.981(7)(a)2. Stats., the CPS agency must develop an agreement with the tribe(s) regarding what additional information will be disclosed to the tribal social services department, in order to support tribal staff to clearly identify the child, facilitate a county-tribal collaborative response whenever possible, and facilitate the delivery of prevention and supportive services by the tribe.

X.B. Feedback to Mandated/Relative Reporter if the Access Report is Screened Out

CPS agencies are required to inform a person required to report under s. 48.981(2)(a) what action, if any, was taken to protect the health and welfare of the child or unborn child who is the subject of the report. In circumstances where the reporter is a relative they may make a written request to the agency for information regarding what action, if any, was taken to protect the health and welfare of the child or unborn child who is subject of the report. CPS Access has the responsibility for providing feedback to mandated reporters and relative reporters that have made a written request when a report has been screened out.

1. The supervisor or her/his designee must provide feedback to mandated reporters within 60 days after the agency receives the report (s. 48.981(3)(c)6, Stats.)
2. The supervisor or her/his designee must, within 60 days after the agency receives the report or 20 days after it receives the written request, whichever is later, inform the relative reporter in writing of what action, if any, was taken unless a court order prohibits the disclosure (s. 48.981(3)(c)6m.)

XI. Voluntary Services

XI. Voluntary Services Requirements at CPS Access

1. Agencies are encouraged to make an offer of voluntary services or referral to voluntary community services when appropriate to families in reports screened out at CPS Access under *Section V. The Screening Decision* of this Standard.

2. These cases must still be documented as described in *Section III.B. Additional Information to Gather and Document in Primary Caregiver Cases*, with a documented screening decision as described in *Section V. The Screening Decision* of this Standard.

No referral to community or voluntary resources is required at access, as generally insufficient information is known from a report to make an appropriate referral to community services. If the agency screens out the report but decides to make an offer of services, then the agency has initiated a voluntary service (assessment and referral). This is an optional service; county agencies and BMCW are not required to provide outreach services to cases that are screened out at intake. [Note: This action on the part of the CPS agency can be considered a referral to voluntary services only if the interview or home visit with the family is conducted with the sole purpose of offering to provide or refer to voluntary services.]

APPENDICES

Access Appendix 1 : Statutory Definitions of Child Abuse and Neglect

Access Appendix 2: Glossary

Access Appendix 3: Definitions and Examples of Present Threats to Child Safety

Access Appendix 4: Definitions and Examples of Impending Threats to Child Safety

Access Appendix 5: Parental Protective Capacities

Access Appendix 6: Unborn Child Abuse

Access Appendix 7: Reports Related to Relinquishing Custody of a Newborn Child

Access Appendix 8: Reports of Possible Neglect of a Disabled Infant

Access Appendix 9: Screening Options for a P.S. Report

Access Appendix 10: Urgency Guidelines

Access Appendix 11: Domestic Violence

Access Appendix 12: Normal Child Sexual Development

Access Appendix 13: Case Law

Access Appendix 14: Counties Required to Notify A Tribe of Reports Received

Access Appendix 15: Reference Person Decision Chart

Access Appendix 16: Drug Endangered Children